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August 28, 2020

VIA ECF

Honorable Barbara C. Moses
United States District Court
Southern District of New York
500 Pearl Square
New York, New York 10007

MEMO ENDORSED

Re: Bahsid McLean v. Correction Officer Clifton, et al., 19 Civ. 10967 (PAE) (BCM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney assigned to represent defendants in the above-referenced matter. In that capacity, I write to respectfully request a brief fourteen (14) day enlargement of time from September 3, 2020 to September 17, 2020 for defendants to serve their responses to Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents. This is defendants' first request for an enlargement of time to respond to Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents. Since plaintiff is currently incarcerated his consent was unable to be obtained in an expeditious manner as the facility advised that in light of COVID-19 they are unavailable to schedule any telephone call with plaintiff until September 9, 2020.

As the Court is aware, on August 4, 2020 an Initial Case Management Plan was set by the Court, thereby requiring defendants to respond to Local Civil Rule 33.2 Interrogatories and Request for Production of Documents by September 3, 2020. See Docket Entry No. 36. However, since March 20, 2020, in compliance with Governor Cuomo's executive order mandating that all non-essential businesses in New York State close, and that New York residents stay inside their homes to help prevent the spread of COVID-19, the New York City Law Department and other City agencies, including the Department of Correction, are requiring that the vast majority of its employees, including the undersigned, work from home. Working from home has created many challenges and as a result, fulfillments of document and information requests are delayed or impracticable. Accordingly, defendants require a brief fourteen (14) day enlargement of time in order respond to Local Civil Rule 33.2 Interrogatories and Request for Production of Documents due to the fact that document requests and receivals for this case have been delayed due to the COVID-19 pandemic.

Defendants thank the Court for its consideration herein.

Respectfully submitted,

William Thomas Gosling /S
William Thomas Gosling
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Bahsid Mclean
16-A-5033
Plaintiff Pro Se
Auburn Correctional Facility
P.O. Box 618
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Application GRANTED. Defendants shall serve their discovery responses by **September 17, 2020**. Additionally:

(1) The Court's Initial Case Management Order (Dkt. No. 36) states that depositions of fact witnesses shall be completed no later than January 29, 2020, and that, since neither party has requested expert discovery, all discovery shall be completed by January 29, 2020. The Court regrets its editing error. The depositions of fact witnesses and all discovery shall be completed no later than **January 29, 2021**. The parties' joint status letter is due no later than **January 15, 2021**.

(2) The Court has received and reviewed plaintiff's letter dated August 13, 2020 but filed September 1, 2020 (Dkt. No. 44), which the Court construes as a motion for leave to file plaintiff's proposed second amended complaint (Dkt. No. 44-1). Defendants shall respond to the motion no later than **September 16, 2020**. Plaintiff is reminded that, to avoid future delays in filing, he must address any mail to the **Pro Se Intake Unit, 500 Pearl Street, Room 200, New York, NY 10007**. Mail should not be addressed directly to chambers.

SO ORDERED.



Barbara Moses, U.S.M.J.
September 2, 2020